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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 3rd Day of April 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.11199 to W.P.11203/1998

BETWEEN:

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1. Sri. H.Suresh,  
s/o Hanumanthappa,  
aged 35 years,  
r/a. Bavikere village,  
Tarikere Tq.,
  2. Sri. Srinivasa,  
s/o Annaiah,  
major,  
r/a. Duggapura village,  
Tarikere Tq.,
  3. Sri. T.D. Narayan,  
s/o Doddaiiah,  
major,  
Kodi Camp,  
Tarikere Tq.,
  4. Sri. Syed Abbas,  
s/o Imamsab,  
major,  
Kodi Camp,  
Tarikere Tq.,
  5. Sri. Yasheenbasha,  
s/o Sheik Anwar,  
major,  
Kodi Camp,  
Tarikere Tq.,

...PETITIONERS

(By Sri. N.R. Naik & Associates, Advs.)

AND:

1. State of Karnataka,  
by its Secretary,  
Rural & Urban Development,  
M.S. Buildings,  
Bangalore-1.

WAO

2. Chief Officer,  
Town Panchayath,  
Tarikere.

...RESPONDENTS

(By Sri. A. Nagarajappa, GA)

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These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India, with a prayer to set aside and quash the notices issued in No.Ct/PR/Mis/270/97-98 dt. 28.3.98 vide Annex.C1 to Annex-C5 and etc.

These Writ Petitions coming on for preliminary hearing this day, the Court made the following:-

O R D E R

The petitioners have participated in the auction held by the Town Panchayath, Tarikere, auctioning the right to sell meat in the Tarikere Town. The officer of the Town Panchayath accepted the bids offered by the petitioners as were highest, consequently, the petitioners have deposited the amount as per the terms of the auction sale. Thereafter, the acceptance of bid by the Officer who conducted auction was placed before the Town Panchayath, Tarikere. The Town Panchayath resolved, after looking into the bids offered by the petitioners

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not to accept the said bids since they were very low. Accordingly, the Panchayath resolved to reauction the right to sell the meat in the Tarikere Town. This decision was communicated to the petitioners as per Annexure-C1 to C5. The said communication is challenged by the petitioners in these Writ Petitions.

2. It is contended that when once the officer who is authorised to auction the right to sell meat accepts the bid, the Town Panchayath has no authority what-so-ever to reject the acceptance of the bids offered by the petitioners. One of the conditions of auction sale is that the Town Panchayath may either accept the bid offered or reject the same. In view of this condition, the Town Panchayath has the power either to accept or reject the bid offered in the auction. Therefore, I find that there is no illegality in rejecting the bids offered by the petitioners by the Town Panchayath. The reason given by the Town Panchayath not to

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accept the bids offered by the petitioner, is very low. The reason given by the Panchayath cannot be said to be motivated. Therefore, I find no reason to interfere in these petitions.

3. Accordingly, I pass the following order:-

These Writ Petitions are rejected. If the Town Panchayath decides to reauction the same, it is open for the petitioners to participate in the said auction.

Sd/-  
JUDGE



cs/bnv/-